

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO**

JANE ROE, individually and on behalf of all
others similarly situated,

Plaintiff,

vs.

INTELLICORP RECORDS, INC., an Ohio
corporation, and DOES 1-50, inclusive,

Defendant.

Case No.: 1:12-CV-02288-JG

Judge: James S. Gwin

**DECLARATION OF JOSHUA EUNSUK
KIM IN SUPPORT OF PLAINTIFF'S
MOTION FOR CLASS CERTIFICATION
AND APPROVAL OF CLASS COUNSEL**

I, Joshua Eunsuk Kim, declare:

1. I am an attorney admitted to practice before all courts of the State of California and I have been admitted *pro hac vice* to represent Plaintiff Jane Roe in this action. I have personal knowledge of the matters stated below, and if called upon to do so I could testify competently to them.
2. I am submitting this Declaration in support of Plaintiff's motion for class certification, and to demonstrate the qualifications of myself and my firm to serve as class counsel.

3. I have litigated a number of cases that seek to advance the interests of people with criminal histories. That work includes the following. I co-counseled in a nationwide class action (which recently settled) involving the defendant employer's violation of the Fair Credit Reporting Act – *Regalado v. Ryder*, CV12-5737 (C.D.CA, filed Jul. 2, 2012) – and I have litigated and settled numerous individual cases involving the same. I co-counsel in a class action against the Superior Court in the County of Los Angeles that seeks injunctive relief to stop the court's practice of releasing sealed criminal records to the public. *Doe v. Los Angeles Superior Court*, Case No. BC474207 (Los Angeles Superior Court, filed Nov. 23, 2010). I am also actively engaged in litigation to clarify the types of criminal records that may be dismissed pursuant to California's expungement statute, California Penal Code § 1203.4. *People v. Parker*, App. Ct. No. B243010 (2nd App. Dist, filed Oct. 23, 2012). I also advocate for broader political rights of people with conviction histories, having successfully compelled the Riverside County Sheriff's Office via a writ of mandate to change its policy and practice regarding inmate voting and registration. *All of Us or None v. Sheriff Sniff*, Case No. RIC1214296 (Riverside Superior Court, filed Sept. 2012).

4. I graduated from UCLA School of Law with a concentration in Critical Race Studies in December 2007 and was admitted to the California State Bar in August 2008.

5. In 2007, while I was a third-year law student, I helped found A New Way of Life & UCLA Law School Reentry Legal Clinic ("the Clinic"), which has since become the largest legal clinic in Southern California that assists people with criminal histories.

6. A New Way of Life Reentry Project was founded in 1998 by Susan Burton, the winner of the 2010 Gleitsman Citizen Activist Award from the Center for Public Leadership at Harvard Kennedy School and a finalist for the 2010 CNN Heroes Award for her work empowering formerly-incarcerated women to rehabilitate and advocate for larger social and political changes not only for themselves but for others in similar situations.

7. I joined A New Way of Life Reentry Project in 2008 as the agency's first-ever staff attorney—for the simple reason that South Central Los Angeles, where A New Way of Life Reentry Project is located, is where the highest concentration of people with criminal records reside and, therefore, where the greatest needs for reentry legal services exist. Since then, I have assisted nearly 1,500 individuals with criminal records with over 2,000 dismissal petitions, numerous administrative agency hearings, and a large number of civil cases fighting discrimination based on the use of criminal records in an employment and housing context.

8. Since 2008, I have also been an active member of All of Us or None, a multi-state organization of formerly-incarcerated people who advocate for changes in law and policy that unreasonably discriminate against people with criminal histories—including a nationwide campaign to “Ban the Box,” *i.e.* to remove the question regarding conviction history from an initial application for public employment. As previously mentioned, I represented All of Us or None in a mandamus writ proceeding against the sheriff's office in Riverside County to do the same.

9. Each month, the Clinic sees an average of 30 clients with one or more criminal records. The vast majority of them seek the assistance of the Clinic for the purpose of overcoming the existing social and legal barriers to employment and/or securing better employment opportunities.

10. Over the years, based on experience and training, I have come to believe that the best method for improving employment opportunities for people with criminal histories lies in the combination of existing “clean slate remedies” such as dismissal under California Penal Code § 1203.4; consumer protection laws such as the Fair Credit Reporting Act and similar state laws; and a disparate impact claim under Title VII of the Civil Rights Act of 1964. Accordingly, the Clinic takes the same holistic approach to resolve issues faced by its clients, not only advising them of their rights under existing law but actively representing them in civil litigation that may follow.

11. I regularly train members of the local community as well as students at UCLA School of Law in Los Angeles and Thomas Jefferson School of Law in San Diego on the legal rights of people with criminal histories, including their consumer rights under the Fair Credit Reporting Act. And I have actively litigated and settled a number of individual cases that included claims under the Fair Credit Reporting Act. Most recently, I presented at the 2012 Annual Reentry Law Conference held in Los Angeles, California on the topic of the Fair Credit Reporting Act litigation to a large audience of public interest law attorneys from across California.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct and was executed on February 12, 2013 at Los Angeles, California.

/s/ Joshua E. Kim
JOSHUA EUNSUK KIM